

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

**September 12, 2019**

Chairperson T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Mazade, E. Hood, F. Peterson, M. Hovey-Wright,  
S. Gawron, J. Montgomery-Keast

MEMBERS ABSENT: J. Doyle, excused; B. Larson

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: C. Slater, Catholic Charities of West Michigan;

**APPROVAL OF MINUTES**

A motion to approve the Minutes of the regular Planning Commission meeting of August 15, 2019 was made by M. Hovey-Wright, supported by E. Hood and unanimously approved.

**PUBLIC HEARINGS**

Hearing, Case 2019-23: Staff initiated request to rezone the property at 1713 7<sup>th</sup> St from I-2, Heavy Industrial to B-4 General Business and MC, Medical Care (northeast corner of property). M. Franzak presented the staff report. The property measures 2.7 acres and is zoned I-2, General Industrial. Park Street Storage, which was demolished in 2018, was previously located on this site but the property is now owned by the City. The City has been working with Catholic Charities of West Michigan (CCWM) on a land swap that would give the 7<sup>th</sup> St. property to them, and they would give their current building at the corner of 3<sup>rd</sup>/Houston to the City. The City would work with developers to create a mixed-use development at the 3<sup>rd</sup>/Houston location, and CCWM would use the 7<sup>th</sup> St. property to construct a new office building (in the B-4 area) and a rehab center (in the MC area). In addition to residential homes, the Rescue Mission, Norchuck Supply, Keene Lumber, a carpentry shop and other small businesses are located in the direct vicinity. Staff feels that a downzoning from heavy industrial to general business is appropriate for the neighborhood, and recommends approval of the rezoning. The Master Land Use Plan calls for buffer zones between residential and industrial uses.

J. Montgomery-Keast asked what type of facility would be located in the MC district and if CCWM would continue to provide the same services as they currently do. C. Slater stated that they would have a medically supervised detox center in the MC district and that they would continue their same programs. B. Mazade asked if the final plan would require Planning Commission approval. M. Franzak stated that he expected at least one building would require Planning Commission review, as it would be over 10,000 square feet in size. There were no comments from the audience.

A motion to close the public hearing was made by J. Montgomery-Keast, supported by E. Hood and unanimously approved.

A motion that the request to rezone the property at 1713 7<sup>th</sup> St from I-2, Heavy Industrial to B-4 General Business and MC, Medical Care be recommended to the City Commission for approval,

was made by J. Montgomery-Keast, supported by F. Peterson and unanimously approved, with T. Michalski, B. Mazade, E. Hood, F. Peterson, M. Hovey-Wright, S. Gawron, and J. Montgomery-Keast voting aye.

Hearing, Case 2019-24: Staff-initiated request to amend the Medical Marihuana Facilities Licensing Act Overlay District to also allow for Recreational Marihuana facilities. M. Franzak presented the staff report. Staff is proposing to amend of Section 2330: Medical Marihuana Facilities Overlay District to allow recreational marihuana in addition to medical. A new proposed ordinance for Section 2330, titled “Marihuana Facilities Overlay District” was provided to the board for review. The types of Medical Marihuana facilities that have been allowed in the current zoning area include Growers, Processors, Provisioning Centers, Safety Compliance and Transportation. These licenses are also allowed under the Recreational Marihuana law; however Provisioning Centers are referred to as Retailers. The Recreational Marihuana law also allows the following new types of licenses:

- Microbusinesses -
  - May cultivate up to 150 plants
  - May process and package marihuana
  - May conduct retail sales to customers but not other marihuana establishments
- Temporary Marihuana Event - This license allows a Marijuana Event Organizer to run an event, which has been approved by the local municipality, where the onsite sale or consumption of marijuana products, or both, are authorized at a specific location for a limited time. Licensed Retailers and Microbusinesses may participate. The Marijuana Event Organizer is required to hire security and ensure that all rules and requirements for onsite consumption of marijuana products are followed. Events may last 1-7 days. May only be held at a venue expressly approved by a municipality for the purpose of holding a temporary marihuana event
- Designated Consumption Establishment - Allows the license holder, with local approval, to operate a commercial space that is licensed by the MRA and authorized to permit adults 21 years of age and older to consume marijuana and marijuana products on premises. A Designated Consumption Establishment license does not allow for sales or distribution of marijuana or marijuana product, unless the license holder also possesses a Retailer or Microbusiness license. A person that allows consumption of marihuana products on the premises of a nonresidential location and charges a fee for entry, sells goods or services while individuals are consuming on the premises, or requires membership for entry shall acquire a designated consumption establishment or temporary marihuana event license.
- Excess Marihuana Grower - Allows a licensee who already holds five adult-use Class C Grower licenses to expand their allowable marijuana plant count.

Staff is proposing to allow all of the legal Recreational Marihuana facilities to locate within the current *Medical Marihuana Facilities Overlay District* and rename it *Marihuana Overlay District*. However, new building and site requirements have been added to increase the revitalization efforts of the area. A redlined version of the new ordinance was provided to the board showing the proposed changes. The State is only allowing businesses with approved Medical Marihuana licenses to apply for Recreational Marihuana licenses for the first two years. Our current Medical Marihuana Facilities Overlay District has resulted in the transformation of at least two severely blighted properties into attractive properties. There are also at least 15 other properties within the district that have been approved and are currently in the design process for their facilities. These license holders are likely to cancel their investments if they are not allowed to apply for

recreational licenses as well. The State will begin accepting Recreational Marihuana license application on November 1. The City must either opt out of Recreational Marihuana or have an adopted ordinance before that date, otherwise those businesses may locate anywhere within the City. M. Franzak received three comments prior to this meeting: 1) J. Gallagher, 1848 5<sup>th</sup> St was opposed to the request due to the additional noise and traffic it would create, 2) S. Pacyga, 1816 Jefferson was also opposed, and 3) M. Schneider owned property in the proposed district and was in favor of the request.

J. Montgomery-Keast stated that Michigan law required recreational marijuana users to be at least 21 years old, and asked where that was addressed in the city ordinance. M. Franzak stated that it was a state law and therefore was not included in the city ordinance, similar to alcohol age limits which were not addressed in city ordinance. The city followed state law. M. Franzak stated that staff enhanced the requirements regarding bringing the properties out of blight and adding amenities. E. Hood asked if there were any requirements regarding the hiring of local workers. M. Franzak stated that it was not addressed, as it was not a zoning issue. He would have to check with the city attorney on the legalities of that type of requirement. B. Mazade asked about security requirements. M. Franzak stated that those remained the same as they had been in the medical marihuana districts. The city had also removed the requirement for bay doors in order to match state law. T. Michalski asked about a “Cannabis Park” sign that had been erected on a property in the district. M. Franzak stated that staff had been attempting to contact the property owner and would begin enforcement action. T. Michalski also mentioned a sign that had “Redbud” on it and asked how strict the city would be in determining compliance with sign requirements. M. Franzak stated that staff would need to look into that, as city commissioners were also concerned about sign content.

The public hearing was opened. M. Bowen of Bowen Land Development supported the request. S. Franklin owned property in the district and asked if the entire district would be approved or if it would be spot-zoned. T. Michalski stated that it was the entire medical marihuana district that was being considered. G. Bird, 1880 Park St, stated that he was opposed to the request, as he didn’t think it was a good thing for city residents, and there were safety issues. P. Loudermill-Watkins stated that she was the President of the local NAACP. She stated that qualified people would be needed to work in this industry and she supported the training and hiring of local workers. C. Pizinski stated that she owned 1839 Peck and was in favor of the request; in order for them to move ahead with rehabbing their building, they needed the revenue from the marihuana industry. C. Fanta of Redbud Roots stated that they owned a medical marihuana facility and were in favor of the request. Their other facilities employed about 50 people, and they intended to hire local workers for their Muskegon location.

A motion to close the public hearing was made by B. Mazade, supported by F. Peterson and unanimously approved.

T. Michalski asked if the former Blais auto dealership building on Laketon Avenue was included in the proposed district. M. Franzak stated that it was. T. Michalski asked if City Commissioners had overturned the Planning Commission’s recommendation regarding that property; M. Franzak confirmed that they had. T. Michalski asked that the Planning Commission be notified under “Old Business” when the City Commission overturned any of their decisions.

A motion that the request to amend the Medical Marihuana Facilities Licensing Act Overlay District to also allow Recreational Marihuana facilities be recommended to the City Commission for approval, was made by F. Peterson, supported by E. Hood and approved, with T. Michalski, E. Hood, F. Peterson, M. Hovey-Wright, S. Gawron, and J. Montgomery-Keast voting aye, and B. Mazade voting nay.

## **NEW BUSINESS**

None

## **OLD BUSINESS**

Windward Pointe – M. Hovey-Wright requested an update. M. Franzak discussed the latest information on the site and stated that he expected it to be zoned under a Planned Unit Development. B. Mazade thought that the discussion on zoning should be with the end user. F. Peterson stated that the potential buyer had been involved in the city's conversations about the property.

## **OTHER**

Review of Chapter 2 of "Suburban Nation" – L. Mikesell provided a review of the second chapter of this book and answered board members' questions.

There being no further business, the meeting was adjourned at 4:40 p.m.

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